

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Adler	Team: Squad #03	CCRB Case #: 202002167	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/16/2020 9:02 PM, Monday, 03/16/2020 10:30 PM	Location of Incident: § 87(2)(b) 68th Precinct stationhouse	18 Mo. SOL 5/3/2022	Precinct: 68		
Date/Time CV Reported Tue, 03/17/2020 4:25 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 03/17/2020 4:25 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Kaitlin Zeno	04142	965638	068 PCT
2. POM Amet Vrzivoli	04643	963798	068 PCT
3. SGT John Freisen	03474	950444	068 PCT
4. POM Raheem Barnes	24076	966954	068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Patrick Connors	24405	965005	068 PCT
2. POM Matthew Rios	25141	967298	068 PCT
3. POM Anthony Defillippo	15421	963948	068 PCT
4. POM John Lewandowski	05107	965780	068 PCT
5. POF Suman Khanna	25658	962524	060 PCT
6. POM Eric Sandoval	30137	967323	068 PCT
7. POM Pedro Lopez	18366	950777	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POF Kaitlin Zeno	Abuse: Kaitlin Zeno entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B . POM Amet Vrzivoli	Abuse: Amet Vrzivoli entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C . SGT John Freisen	Abuse: Sergeant John Freisen entered entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D . POF Kaitlin Zeno	Abuse: Police Officer Kaitlin Zeno entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E . POM Amet Vrzivoli	Abuse: Police Officer Amet Vrzivoli entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F . SGT John Freisen	Abuse: Sergeant John Freisen entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G . SGT John Freisen	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant John Freisen did not obtain medical treatment for § 87(2)(b)	
H . POM Amet Vrzivoli	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)	
I . POM Amet Vrzivoli	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)	
J . POM Amet Vrzivoli	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)	
K . POM Amet Vrzivoli	Abuse: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)	
L . POM Amet Vrzivoli	Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to § 87(2)(b)	
M . POM Amet Vrzivoli	Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to § 87(2)(b)	
N . POM Amet Vrzivoli	Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to § 87(2)(b)	
O . POF Kaitlin Zeno	Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Kaitlin Zeno used physical force against § 87(2)(b)	
P . POM Raheem Barnes	Force: At § 87(2)(b) in Brooklyn, Police Officer Raheem Barnes used physical force against § 87(2)(b)	
Q . SGT John Freisen	Abuse: At the 68th Precinct stationhouse, Sergeant John Freisen threatened to arrest § 87(2)(b)	
R . POM Amet Vrzivoli	Abuse: At the 68th Precinct stationhouse, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)	
S . POM Amet Vrzivoli	Abuse: At the 68th Precinct stationhouse, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)	

Case Summary

On March 17, 2020, § 87(2)(b) filed this complaint over the phone with the CCRB on behalf of herself, her daughters § 87(2)(b) and § 87(2)(b) and her son, § 87(2)(b). On March 23, 2020, former Investigator Faria Tansim received the case. On September 25, 2020, the undersigned investigator received the reassigned case.

On March 16, 2020, at approximately 9 P.M., § 87(2)(b) called 911 to report that her sister, § 87(2)(b) was attacking her at their home, § 87(2)(b) located at § 87(2)(b) in Brooklyn, where they lived with their mother, § 87(2)(b) and their brother, § 87(2)(b). PO Amet Vrzivoli, PO Kaitlin Zeno, PO Raheem Barnes, and Sgt. John Freisen, all assigned to the 68th Precinct, responded. PO Vrzivoli, PO Zeno, and Sgt. Freisen entered the building (**Allegations A, B, and C, Abuse of Authority:** § 87(2)(g) and then § 87(2)(b) (**Allegations D, E, and F, Abuse of Authority:** § 87(2)(g). While at the incident location, Sgt. Freisen allegedly refused to obtain medical treatment for § 87(2)(b) (**Allegation G, Abuse of Authority:** § 87(2)(g). PO Vrzivoli then threatened to arrest § 87(2)(b) and § 87(2)(b) (**Allegations H, I, J, and K, Abuse of Authority:** § 87(2)(g). While walking downstairs, PO Vrzivoli encountered § 87(2)(b) and stated, “Get out of my fucking way. Get out of my fucking way.” (**Allegations L and M, Discourtesy:** § 87(2)(g). Then, when back inside the apartment, PO Vrzivoli stated to § 87(2)(b) “Don’t do anything stupid shit” (**Allegation N, Discourtesy:** § 87(2)(g). While handcuffing § 87(2)(b) PO Zeno allegedly pushed § 87(2)(b) knee into the bed, causing bruising (**Allegation O, Force:** § 87(2)(g). While handcuffing § 87(2)(b) PO Barnes allegedly pushed her into a wall (**Allegation P, Force:** § 87(2)(g). After officers brought § 87(2)(b) and § 87(2)(b) back to the 68th Precinct stationhouse, § 87(2)(b) arrived at the stationhouse. There, Sgt. Freisen allegedly stated, “If you do not leave the precinct now, we are going to arrest you,” (**Allegation Q, Abuse of Authority:** § 87(2)(g). PO Vrzivoli allegedly stated, “I don’t want to handcuff you, but if you do not leave right now, we are going to handcuff you,” and “If you don’t leave, you will be with your daughters,” (**Allegations R and S, Abuse of Authority:** § 87(2)(g).

PO Zeno arrested both § 87(2)(b) and § 87(2)(b) in relation to this incident. Arrest report § 87(2)(b) shows that § 87(2)(b) was charged with assault with intent to cause physical injury, § 87(2)(b) degree harassment, and third-degree menacing (**01 Board Review**). Arrest report § 87(2)(b) shows that § 87(2)(b) was charged with assault with intent to cause physical injury and § 87(2)(b) degree harassment (**02 Board Review**).

The investigation obtained body-worn camera (BWC) footage from PO Vrzivoli, PO Zeno, Sgt. Freisen, and PO Barnes, as well as from the following officers, all assigned to the 68th Precinct: PO Anthony Defillippo, PO John Lewandowski, PO Matthew Rios, PO Suman Khanna, PO Patrick Connors, and PO Pedro Lopez (**03-14 Board Review**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Kaitlin Zeno entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Amet Vrzivoli entered § 87(2)(b) in Brooklyn.

Allegation (C) Abuse of Authority: Sergeant John Freisen entered § 87(2)(b) in Brooklyn.

Allegation (D) Abuse of Authority: Police Officer Kaitlin Zeno entered § 87(2)(b) in Brooklyn.

Allegation (E) Abuse of Authority: Police Officer Amet Vrzivoli entered § 87(2)(b) in Brooklyn.

Allegation (F) Abuse of Authority: Sergeant John Freisen entered § 87(2)(b) in Brooklyn.

It is undisputed that on March 16, 2020, PO Zeno and PO Vrzivoli responded to § 87(2)(b) in Brooklyn, after § 87(2)(b) called 911 and stated that § 87(2)(b) was attacking her while holding a broom. Both PO Zeno and PO Vrzivoli entered the building and then the apartment upon arrival. Sgt. Freisen arrived shortly thereafter and entered the building and the apartment.

During her CCRB interview, § 87(2)(b) stated that she was working in the street-level store that she owned, located in the same building where she and her family lived in a § 87(2)(b) apartment (**15 Board Review**). § 87(2)(b) entered the store and told her that § 87(2)(b) had gotten upset and called 911. § 87(2)(b) left the store and saw Sgt. Freisen and PO Vrzivoli standing outside. § 87(2)(b) told the officers that § 87(2)(b) suffers from depression and had previously been hospitalized for mental health issues. Sgt. Freisen did not listen to her but instead pushed open the door to the building and entered it. § 87(2)(b) entered the building and went up to the § 87(2)(b) floor where her apartment was located. When § 87(2)(b) arrived at her apartment door, Sgt. Freisen pushed it open and entered without asking for permission. § 87(2)(b) then entered and immediately thereafter, PO Vrzivoli and PO Zeno entered the apartment without asking for permission. In her initial phone statement, § 87(2)(b) stated that since the family's store and apartment are in the same building, they do not typically lock the door to their residence (**16 Board Review**). She did not specify if she meant the door to the building or the door to the apartment. The investigation was unable to contact § 87(2)(b) after her interview for clarification (**17 Board Review**).

During her CCRB interview, § 87(2)(b) stated that her altercation with § 87(2)(b) involved a verbal dispute during which each sister pushed the other lightly (**18 Board Review**). When § 87(2)(b) pushed her, § 87(2)(b) fell off the chair on which she had been sitting. § 87(2)(b) characterized this interaction as non-violent. After the argument, § 87(2)(b) began sweeping the room. When § 87(2)(b) called 911, she told the dispatcher that her sister was assaulting her and was holding a broom but did not mean to imply that her sister was assaulting her with the broom. § 87(2)(b) left the apartment after the 911 call. Minutes later, § 87(2)(b) heard loud knocks on the front door to the apartment, which was locked. She looked through the peephole and saw PO Vrzivoli, PO Zeno, Sgt. Freisen, § 87(2)(b) and § 87(2)(b) standing outside. She opened the door and the officers entered the apartment together with § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) both refused to participate in the investigation (**17, 19 Board Review**).

At 0:35 minutes in PO Vrzivoli's BWC attached to IA 93, he and PO Zeno arrive outside the residential entrance to § 87(2)(b) (**03 Board Review**). § 87(2)(b) and § 87(2)(b) are standing in front of the location. PO Zeno asks § 87(2)(b) what happened and § 87(2)(b) states, "Nothing happened. By mistake. It's a mistake. Nothing." PO Zeno states, "Okay, well can we go upstairs? Because she called." § 87(2)(b) then opens the building door, which is unlocked, and leads the officers up a staircase. They follow behind her, maintaining the same pace as her. At the top of the stairs, the apartment door is closed. At 1:21 minutes, § 87(2)(b) knocks on the door and rings the doorbell. At 1:28 minutes, the sound of the lock opening is audible. § 87(2)(b) then opens the front door from inside and § 87(2)(b) enters, followed by PO Zeno and PO Vrzivoli. Both officers walk into the apartment at a normal pace. Neither officer asks for permission to enter the apartment.

At 0:21 minutes in Sgt. Freisen's BWC attached to IA 102, he arrives at § 87(2)(b) and follows PO Khanna, PO Rios, and PO Connors through the residential door and up the stairs **(05 Board Review)**. Sgt. Freisen then walks past them, as well as PO Defillipo and PO Lewandowski, who are on the landing. At 0:45 minutes, PO Zeno is visible inside the apartment, holding the front door open with § 87(2)(b) standing next to her. Sgt. Freisen enters the apartment without asking for permission.

PO Vrzivoli testified that when he and PO Zeno arrived, § 87(2)(b) met them outside the building and told them that everything was all right **(20 Board Review)**. PO Vrzivoli then told § 87(2)(b) that they needed to speak with her daughter to make sure everything was okay since she was the one who called 911. PO Vrzivoli noted that he said this because according to the NYPD Patrol Guide, when officers are assigned to respond to an assault, they cannot leave based on what one individual says but must make sure that the callers are okay. PO Vrzivoli then asked § 87(2)(b) if they could go upstairs and check on § 87(2)(b). § 87(2)(b) opened the street-level door and led the officers upstairs to the apartment door. She then led them into the apartment. Since § 87(2)(b) did not say that the officers could not enter, PO Vrzivoli believed that she had given consent for the entry. PO Vrzivoli did not recall if he had explained to § 87(2)(b) that she had a right to refuse the entry.

In her CCRB testimony, PO Zeno stated that when she and PO Vrzivoli arrived, § 87(2)(b) met them outside and told them that nothing had happened **(21 Board Review)**. PO Zeno told § 87(2)(b) that she still needed to speak with § 87(2)(b). § 87(2)(b) did not recall what § 87(2)(b) said in response. § 87(2)(b) led PO Zeno and PO Vrzivoli upstairs. § 87(2)(b) opened the apartment door and told the officers that her sister had entered her room and assaulted her with a broom. PO Zeno did not recall if § 87(2)(b) made any gestures or said anything about the officers entering the apartment. PO Zeno entered the building and the apartment because someone had called 911 and stated that they had been assaulted with a weapon, which qualified as an exigent circumstance. After watching her BWC attached to IA 94 from the 0:54 to the 1:42 minute mark, PO Zeno stated that she had asked § 87(2)(b) if they could go upstairs because § 87(2)(b) was giving them a hard time by saying that nothing had happened. However, the reason that PO Zeno entered the building and apartment was still due to the exigent circumstances.

Sgt. Freisen testified that when he arrived, he entered the building due to the exigent circumstances involving someone calling 911 and saying they had been assaulted **(22 Board Review)**. He therefore entered the building and apartment to make sure that the person was okay. When he entered the apartment, PO Vrzivoli and PO Zeno were already inside speaking with § 87(2)(b).

In the 911 call recording for NYPD Event #§ 87(2)(b) generated for this incident, attached to IA 184, § 87(2)(b) tells the operator that she needs the police because her sister is hitting her **(23 Board Review)**. When the operator asks her if there are any weapons, § 87(2)(b) states, "She has a broom in her hand." She then states that she has injuries all over her body. In the radio message for the same Event, also attached to IA 184, the operator calls for officers to respond to the location for a 10-34, an assault in progress involving a family, adding that the caller stated that her sister was hitting her with a broom and that she is injured.

A Clear database search for § 87(2)(b) in Brooklyn shows that there are two apartments located inside the building **(24 Board Review)**.

In *United States v. Barte*, 2013 U.S. Dist LEXIS 166366, the court ruled that officers were permitted to enter a multi-tenant building without a warrant because "the common halls and lobbies of multi-tenant buildings are not within an individual's zone of privacy" [...] even when they are guarded by locked doors or otherwise inaccessible to the public at large" **(25 Board Review)**.

People v. Desmarat, 38 AD3d 913 ruled that officers may conduct a warrantless entry of a premises if they have “reasonable basis to believe that an emergency [is] at hand, that other persons may [be] at risk of injury, and that the emergency is associated” with the place they are entering (**26 Board Review**).

It is notable that BWC footage shows the entry was not as § 87(2)(b) described. Rather than pushing their way into the building or apartment, PO Zeno and PO Vrzivoli stayed behind § 87(2)(b) as she led them through the building’s door and up the stairwell. In addition, PO Zeno asked for permission to enter the building. Sgt. Freisen did not arrive until later, when PO Zeno and PO Vrzivoli were already inside the apartment. The officers cited exigent circumstances as the reason they entered both the building and the apartment without receiving consent from § 87(2)(b) or § 87(2)(b). Even though PO Zeno asked for permission to enter the building, she testified that due to the exigent circumstances, she would have entered even if § 87(2)(b) said she could not do so. § 87(2)(g) they learned of the incident from a radio call that informed them the caller was injured and her sister was hitting her with a broom.

§ 87(2)(g)

It is notable that, according to § 87(2)(b) the front door was generally left unlocked. Although she did not specify in her statement whether she meant the building or apartment door, the preponderance of evidence indicates that she meant the former: BWC footage shows the building door was unlocked, the unlocking of the apartment door is audible on BWC, and § 87(2)(b) testified that the apartment door was locked. § 87(2)(g)

§ 87(2)(g)

Allegation (G) At § 87(2)(b) § 87(2)(b) in Brooklyn, Sergeant John Freisen did not obtain medical treatment for § 87(2)(b)

It is undisputed that when PO Vrzivoli and PO Zeno entered the apartment, § 87(2)(b) alleged that § 87(2)(b) had physically attacked her. § 87(2)(b) was not in the apartment at the time. When § 87(2)(b) arrived several minutes later, she spoke with Sgt. Freisen and alleged that § 87(2)(b) had physically attacked her.

During her CCRB interview, § 87(2)(b) stated that when Sgt. Freisen arrived at her apartment, she told him that she wanted an ambulance for § 87(2)(b) (**15 Board Review**). Sgt. Freisen responded by stating that they had received a call that someone had hit someone else. He did not call an ambulance. Then § 87(2)(b) told Sgt. Freisen that neither she nor her sister wanted to press charges but that she wanted an ambulance. Sgt. Freisen still did not call an ambulance for § 87(2)(b) but rather officers transported her to the stationhouse to be arrested.

During her CCRB interview, § 87(2)(b) did not allege that either she or her mother requested an ambulance or other medical treatment at any time during the incident (**18 Board Review**).

In his CCRB testimony, Sgt. Freisen stated that when he arrived at the apartment, PO Vrzivoli and

PO Zeno were speaking with § 87(2)(b) who alleged that § 87(2)(b) had assaulted her **(22 Board Review)**. PO Vrzivoli and PO Zeno told him that § 87(2)(b) had injuries, but he did not see these injuries. § 87(2)(b) returned to the apartment a few minutes later and Sgt. Freisen interviewed her. § 87(2)(b) had some scratches on her face and alleged that § 87(2)(b) had assaulted her. Sgt. Freisen did not know if anyone had requested medical care while at the apartment. He did not refuse to obtain medical attention for anyone nor did he hear any other officer do so. Sgt. Freisen did not recall which officers transported § 87(2)(b) and § 87(2)(b) to the stationhouse, nor did he recall which officer was the arresting officer. Sgt. Freisen did not recall any officer telling him about § 87(2)(b) or § 87(2)(b) injuries while at the stationhouse. He did not know if any officers offered § 87(2)(b) and § 87(2)(b) medical attention while they were at the stationhouse.

PO Vrzivoli testified that he did not recall § 87(2)(b) or § 87(2)(b) requesting medical attention while in the apartment **(20 Board Review)**. PO Vrzivoli did not see any visible injuries on § 87(2)(b) or § 87(2)(b). However, he heard PO Zeno and Sgt. Freisen state that § 87(2)(b) had visible scratches and bite marks. He also heard § 87(2)(b) state that she had scratch marks. PO Vrzivoli stated that no officer offered § 87(2)(b) or § 87(2)(b) medical attention at the apartment because § 87(2)(b) was screaming. Therefore, the officers took them to the stationhouse to “figure things out.” Later, while at the stationhouse, PO Vrzivoli asked § 87(2)(b) if she wanted medical attention and she stated she did not.

PO Zeno testified that when § 87(2)(b) came to the door, she observed scratch marks on her hand or wrist **(21 Board Review)**. PO Zeno did not recall any bleeding or bruising around those scratches. PO Zeno did not interact with § 87(2)(b) while inside the apartment and so did not see if she was injured. PO Zeno did not recall § 87(2)(b) stating that either of her daughters needed medical attention while at the apartment. At the stationhouse, PO Zeno lodged § 87(2)(b) in a cell. At that time, PO Zeno asked § 87(2)(b) if she required medical attention and § 87(2)(b) stated that she did not. PO Zeno did not recall if she observed any additional injuries on § 87(2)(b) besides the scratches she had initially observed. § 87(2)(b) did not inform PO Zeno of any additional injuries. PO Zeno then took a statement from § 87(2)(b). During this time, PO Zeno observed scratches on § 87(2)(b) face and neck. PO Zeno did not transport § 87(2)(b) to the stationhouse, process her arrest paperwork, or lodge her, and did not know who did. PO Zeno did not know if anyone had asked § 87(2)(b) whether she needed medical attention.

BWC footage from PO Vrzivoli, PO Zeno, Sgt. Freisen, and PO Barnes attached to IAs 93, 94, 102 and 101 respectively shows the portion of the incident that occurred within the apartment in its entirety **(03-06 Board Review)**. Sgt. Freisen’s BWC footage shows all conversations between him, § 87(2)(b) and § 87(2)(b) from the time he entered the apartment until the time he left it. At no time in any of the footage does § 87(2)(b) or § 87(2)(b) request medical treatment from Sgt. Freisen or any officer.

Arrest reports § 87(2)(b) and § 87(2)(b) completed by PO Zeno for § 87(2)(b) and § 87(2)(b) respectively, note that § 87(2)(b) had visible marks on her hands, ankle, and face, while § 87(2)(b) had visible marks on her hands, arms, and neck **(01-02 Board Review)**. Arrest photos for § 87(2)(b) and § 87(2)(b) do not show any apparent injuries **(27 Board Review)**. The investigation received negative results for Medical Treatment of Prisoner Forms for both § 87(2)(b) and § 87(2)(b) **(28 Board Review)**.

Since video evidence shows the portion of the incident that occurs within the apartment in its entirety and does not show § 87(2)(b) or § 87(2)(b) requesting medical treatment from Sgt. Freisen or any officer, § 87(2)(g)

Allegation (H) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)

Allegation (I) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)

Allegation (J) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)

Allegation (K) Abuse of Authority: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)

It is undisputed that after entering the apartment, PO Zeno and PO Vrzivoli took a statement from § 87(2)(b) during which she alleged that § 87(2)(b) had assaulted her. PO Vrzivoli then asked § 87(2)(b) if she wanted to make a report and she stated that she did not. Further undisputed is that after she said this, PO Vrzivoli told § 87(2)(b) that the next time someone called 911, the whole family would be arrested.

During her initial phone statement, § 87(2)(b) stated that while inside the apartment, PO Vrzivoli said the whole family needed or deserved to be arrested (**16 Board Review**). § 87(2)(b) did not make this allegation during her interview (**15 Board Review**).

During her CCRB interview, § 87(2)(b) testified that while inside the apartment, PO Vrzivoli stated that he was “sick and tired of this family” and would arrest everybody (**18 Board Review**).

At 3:30 minutes in PO Vrzivoli’s BWC attached to IA 93, PO Vrzivoli is standing in the hallway of the apartment and walks toward the end of the hallway, where § 87(2)(b) has just entered a room (**03 Board Review**). Sgt. Freisen and § 87(2)(b) are behind him. At 3:40 minutes, § 87(2)(b) says something in Arabic. PO Zeno states, “Ma’am, can I speak to her please? She’s old enough. I can have a conversation.” § 87(2)(b) is then silent. PO Vrzivoli states, “Why’d you guys start a fight for?” At 3:55 minutes, § 87(2)(b) who is still standing behind PO Vrzivoli states in a raised voice, § 87(2)(b) “It’s not funny.” She then states something in Arabic in a raised voice and remains behind PO Vrzivoli. At 4:07 minutes, PO Vrzivoli walks two steps closer to the end of the hallway where § 87(2)(b) and PO Zeno are standing. PO Vrzivoli asks § 87(2)(b) if she wants to make a report. When § 87(2)(b) says no, PO Vrzivoli states, “Okay, next time, if this is going to happen, and you guys are going to call 911, everybody’s going to get arrested. I’m sick and tired of coming here and it’s just no report, no nothing done. All right? This is not a joke. We’re not here for fun. All right. I have enough from your [inaudible] brother. I don’t want you guys – to deal with you guys.” § 87(2)(b) is not near PO Zeno or § 87(2)(b) and her voice is not audible.

During his CCRB interview, PO Vrzivoli stated that he had previously responded to multiple complaints regarding § 87(2)(b) and § 87(2)(b) but had never previously responded to the apartment for a complaint related to § 87(2)(b) or § 87(2)(b) (**20 Board Review**). He stated that while at the apartment on March 16, 2020, he told § 87(2)(b) that the next time “this happens” he would have to arrest everyone. PO Vrzivoli stated that he said this because § 87(2)(b) was interfering by yelling and making things worse than they were. After viewing his BWC attached to IA 93 from the 4:00 minute to the 4:35 minute mark, PO Vrzivoli stated that he had made the statement about arresting the whole family to § 87(2)(b) and had done so because every time he had responded to the apartment previously for § 87(2)(b) 911 calls, she had stated that she did not want to make a report and had refused to provide statements or fill out the paperwork. Then, PO Vrzivoli’s supervisors would ask him why he had not filed any paperwork. PO Vrzivoli also made this statement because he wanted to communicate to § 87(2)(b) that calling 911 is not a game;

he therefore told her that if the family called again and did not want to file a report, they would all be under arrest. PO Vrzivoli noted that English is not his first language so he may not have communicated the point very well. Additionally, he stated that § 87(2)(b) was already considered under arrest at that point due to the allegations that § 87(2)(b) had made.

Sgt. Freisen testified that he did not recall PO Vrzivoli threatening to arrest members of the family while at the apartment (**22 Board Review**). After watching PO Vrzivoli's BWC attached to IA 93 from the 4:03 to the 4:36 minute mark, Sgt. Freisen stated that there was no reason that PO Vrzivoli should have threatened to arrest the whole family at that point. Sgt. Freisen also stated that at this point in the incident, § 87(2)(b) was already considered under arrest due to § 87(2)(b) that she had assaulted her.

New York State Penal Law 240.50 states that a person is "guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she [...] gratuitously reports to a law enforcement officer or agency [...] the alleged occurrence of an offense or incident which did not in fact occur" (**29 Board Review**).

PO Vrzivoli testified that he made this threat of arrest against the family to warn § 87(2)(b) that she should not make unnecessary 911 calls. He stated that he issued this warning for two reasons. First, § 87(2)(b) had called 911 but did not want to file a police report. § 87(2)(b) when he had previously responded to the apartment multiple times regarding issues between § 87(2)(b) and § 87(2)(b) never wanted to file a report. According to Penal Law 240.50, officers can arrest people regarding "false or baseless" reports made to law enforcement agencies. It is not clear whether § 87(2)(b) prior 911 calls were false or baseless. It is clear, however, that § 87(2)(b) 911 call was not. This is because both PO Vrzivoli and Sgt. Freisen testified that § 87(2)(b) was already considered under arrest before PO Vrzivoli made the threat. Further, even if § 87(2)(b) prior allegedly baseless 911 calls were considered an arrestable offense, § 87(2)(b) could not have been held responsible for that. Additionally, although § 87(2)(b) was already considered to be under arrest at that point, PO Vrzivoli's threat was regarding "next time" and so was not in relation to her arrest status at the time. § 87(2)(b) had also not made a false or baseless 911 call on this date so there was no reason to threaten her. Finally, although PO Vrzivoli initially testified that he had made this threat to § 87(2)(b) because she was interfering, BWC footage reveals that she was not doing so at this time. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (L) At § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to § 87(2)(b)

Allegation (M) At § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to § 87(2)(b)

Allegation (N) At § 87(2)(b) in Brooklyn, Police Officer Amet Vrzivoli spoke discourteously to § 87(2)(b)

These allegations are being pleaded based on BWC footage and were not alleged by either civilian.

It is undisputed that after § 87(2)(b) stated she did not want to make a report, Sgt. Freisen told PO Vrzivoli to write up a report for a level 2 assault with § 87(2)(b) as the victim. PO Vrzivoli then left the apartment and went to his vehicle to get paperwork. On his way, PO Vrzivoli encountered § 87(2)(b) at the bottom of the staircase, at which time PO Vrzivoli spoke discourteously to § 87(2)(b). Further undisputed is that after PO Vrzivoli retrieved the paperwork, PO

Vrzivoli went back up to the apartment. There, he handed the papers to PO Zeno, who stayed with § 87(2)(b) and filled out a UF-61 complaint form. PO Vrzivoli then walked to the other end of the hallway, where Sgt. Freisen and PO Barnes were standing. While PO Vrzivoli stood there, § 87(2)(b) reentered the apartment.

At the 6:01 minute mark in PO Vrzivoli's BWC attached to IA 93, PO Vrzivoli is walking down the staircase on his way to his vehicle **(03 Board Review)**. As PO Vrzivoli approaches the bottom of the stairs, § 87(2)(b) states, "No, no, no, no, come on, come on." PO Vrzivoli continues down toward the bottom of the stairs and states, "Hey, hey, hey, get out of my way." At 6:04 minutes, § 87(2)(b) face is visible inches from PO Vrzivoli as § 87(2)(b) states, "Come on, come on." Only § 87(2)(b) face is visible; the rest of his body is off camera as he stands on a lower step than the officer. PO Vrzivoli then states, "Get out of my way." As § 87(2)(b) turns around, PO Vrzivoli states, "Get out of my fucking way." At 6:07 minutes, § 87(2)(b) is already several steps ahead of PO Vrzivoli, facing away from him and about to open the outside door, when PO Vrzivoli again states, "Get out of my fucking way."

At the 7:20 minute mark in Sgt. Freisen's BWC attached to IA 102, both PO Vrzivoli and § 87(2)(b) stand inside the apartment, in the hallway **(05 Board Review)**. PO Vrzivoli stands to Sgt. Freisen's left and § 87(2)(b) stands to Sgt. Freisen's right. § 87(2)(b) is leaning against a wall at the end of the hallway, with his arms folded against his chest. The camera pans away and § 87(2)(b) is no longer visible. PO Vrzivoli states, "You all right? Okay." PO Barnes states, "Let's see your hand, bud. All right. Cool." PO Vrzivoli then states, "Don't do anything stupid shit. All right?" The camera turns and § 87(2)(b) is again visible. He is still standing at the end of the hallway, far out of reach of the officers. He is clasping his hands together at the front of his body and is otherwise standing still.

During his CCRB interview, PO Vrzivoli stated that, prior to arriving on scene, he knew § 87(2)(b) to be a neighborhood "troublemaker" who went into stores and cursed at people, harassing them, and causing them annoyance and alarm **(20 Board Review)**. PO Vrzivoli had previously responded to the apartment six or seven times; each of these times § 87(2)(b) had called because § 87(2)(b) refused to take his medication and she wanted officers to bring him to the hospital. From these incidents, PO Vrzivoli knew that § 87(2)(b) had been diagnosed with a psychological "problem," although he did not know what the actual diagnosis was. He also knew that § 87(2)(b) had trouble sleeping and that when he was off his medication, he became violent and aggressive. PO Vrzivoli stated that § 87(2)(b) had been sent to the hospital twice and had escaped once. As PO Vrzivoli walked downstairs, he saw § 87(2)(b) running toward him with his arms and hands extended. Since PO Vrzivoli was familiar with § 87(2)(b) he believed that if he said something like, "Listen, okay, okay," § 87(2)(b) would have put his hands on him or pushed him, which would ultimately lead to his arrest. Since PO Vrzivoli did not want to have to arrest § 87(2)(b) he used his discretion to say, "Get the fuck out of my way," to make a point so that § 87(2)(b) would not touch him. § 87(2)(b) did not touch PO Vrzivoli, only put his hands out in front of himself. PO Vrzivoli stated there was no other reason for the language that he used. PO Vrzivoli did not recall using any additional discourteous language. After watching his BWC attached to IA 93 from the 5:56 minute to the 6:08 minute mark, PO Vrzivoli acknowledged that he said, "Get out of my fucking way," a § 87(2)(b) time when § 87(2)(b) had already moved out of his way. PO Vrzivoli stated that he made this statement because he wanted to make a point that § 87(2)(b) should not turn back around or do anything stupid. After watching his BWC attached to IA 93 from the 9:21 minute to the 9:34 minute mark, PO Vrzivoli acknowledged using the word "shit" while speaking to § 87(2)(b). He stated that he said this because § 87(2)(b) was standing against the wall and staring at PO Vrzivoli in a menacing way and for no other reason.

Sgt. Freisen testified that he was familiar with § 87(2)(b) because he had previously assaulted an officer (22 Board Review).

NYPD Patrol Guide Procedure 200-02 requires that officers render “services with courtesy and civility” (30 Board Review). *DAO-DCT Disciplinary Case No. 2017-17276* ruled that “language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent confrontation” (31 Board Review).

PO Vrzivoli testified that he used the discourteous language on the stairwell knowing that § 87(2)(b) had mental health issues that sometimes led to his being violent and aggressive. This knowledge, coupled with § 87(2)(b) allegedly running toward him with his hands out, led PO Vrzivoli to believe that § 87(2)(b) might push him. Additionally, Sgt. Freisen testified that § 87(2)(b) had previously assaulted an officer. While PO Vrzivoli did not mention this during his interview, it is likely that he may have known about it, given that he had interacted with § 87(2)(b) so many times. § 87(2)(g)

However, PO Vrzivoli did not allege that § 87(2)(b) posed a danger to him beyond a potential push, which does not qualify as the type of “violent confrontation” to which the DAO-DCT disciplinary case refers. In line with this, PO Vrzivoli testified that his reason for the discourteous language was to make a point so that § 87(2)(b) would not touch him and for no other reason. Furthermore, PO Vrzivoli did not use discourteous language until § 87(2)(b) had already begun to turn around. This contradicts PO Vrzivoli’s statement that § 87(2)(b) would only have listened to him if he used discourteous language. Furthermore, when PO Vrzivoli made the § 87(2)(b) discourteous statement in the stairwell, § 87(2)(b) was several steps away, facing away from him, and clearly intending to get out of the way as he headed toward the building door. § 87(2)(g)

PO Vrzivoli testified that he used the word “shit” when speaking to § 87(2)(b) only because § 87(2)(b) was standing against a wall and staring menacingly at him. BWC footage shows that just prior to this discourteous statement, PO Barnes asked § 87(2)(b) what was in his hand. This lends possible credence to PO Vrzivoli’s allegation that § 87(2)(b) was staring at him in a menacing way. However, § 87(2)(b) later, before PO Vrzivoli made the discourteous statement, PO Barnes stated, “All right. Cool.” This implies that PO Barnes was satisfied with what § 87(2)(b) did after he told him to show him what was in his hand. Nonetheless, PO Vrzivoli used the discourteous language. Furthermore, BWC footage shows that at that point, § 87(2)(b) was standing still, far away from the officers, and was not making any threatening gestures. § 87(2)(g)

Allegation (O) Force: At § 87(2)(b) in Brooklyn, Police Officer Kaitlin Zeno used physical force against § 87(2)(b)

It is undisputed that after PO Zeno started to fill out the UF-61 complaint report, § 87(2)(b) entered the apartment. Sgt. Freisen then interviewed § 87(2)(b) who told him that § 87(2)(b) had also assaulted and injured her. At that point, Sgt. Freisen determined that both § 87(2)(b) and § 87(2)(b) were under arrest. PO Zeno then handcuffed § 87(2)(b) while

standing in § 87(2)(b) bedroom.

During her interview with the CCRB, § 87(2)(b) stated that while PO Zeno was handcuffing her, PO Zeno used her knee to push the back of § 87(2)(b) knee into the bedframe, which caused bruising to § 87(2)(b) knee **(18 Board Review)**.

During her CCRB interview, § 87(2)(b) stated that she saw PO Zeno make § 87(2)(b) face the edge of her bed **(15 Board Review)**. She then saw that PO Zeno had pushed § 87(2)(b) up against the bed, after which PO Zeno pushed § 87(2)(b) knee into the bedframe. § 87(2)(b) § 87(2)(b) took § 87(2)(b) to § 87(2)(b) Hospital in Brooklyn to assess injuries caused by PO Zeno's push. Doctors prescribed Motrin and an antibiotic cream to § 87(2)(b) § 87(2)(b) did not state if the doctors diagnosed § 87(2)(b) with anything during this visit. The investigation was unable to contact § 87(2)(b) after her interview for clarification **(17 Board Review)**.

On August 31, 2020, the investigation received eight undated photos from the family's civil attorney § 87(2)(b) that show bruises on § 87(2)(b) knee **(32 Board Review)**. § 87(2)(b) did not supply the investigation with a HIPAA form and so the investigation was unable to access her medical records.

PO Zeno testified that she did not use force against § 87(2)(b) at any time during the incident and, specifically, did not use her knee to push § 87(2)(b) knee into the bedframe **(21 Board Review)**. She stated that during the handcuffing process, § 87(2)(b) did not resist, and she did not use any force. Additionally, she and § 87(2)(b) were not oriented in such a way that she could have pushed her into the bed. Instead, § 87(2)(b) was standing in front of PO Zeno, facing the door; the bed was behind PO Zeno at the time. After viewing the photos of § 87(2)(b) bruised knee, PO Zeno stated that she did not know how § 87(2)(b) sustained the injury and that she did not recall seeing or being made aware of the injury on the incident date. She stated that § 87(2)(b) was wearing pants during the incident and had never advised her of an injury to her knee.

Both PO Vrzivoli and Sgt. Freisen testified that they did not recall seeing PO Zeno use force against § 87(2)(b) **(20, 22 Board Review)**.

At 14:44 minutes in PO Zeno's BWC attached to IA 94, PO Zeno handcuffs § 87(2)(b) without using force **(04 Board Review)**. § 87(2)(b) is standing upright, facing toward the door and away from the bed, which is behind PO Zeno.

The investigation received negative results for the Threat, Resistance, and Injury reports and Medical Treatment of Prisoner Reports for this case **(33 Board Review)**. Arrest report #§ 87(2)(b) for § 87(2)(b) states that no force was used during the arrest **(02 Board Review)**.

Since video evidence shows that § 87(2)(b) was standing upright and between the door and PO Zeno during the handcuffing process rather than against her bed and does not depict PO Zeno using force against § 87(2)(b) § 87(2)(g)

Allegation (P) Force: At § 87(2)(b) in Brooklyn, Police Officer Raheem Barnes used physical force against § 87(2)(b)

It is undisputed that after § 87(2)(b) came back to the apartment and gave a statement to Sgt. Freisen, both she and Sgt. Freisen went downstairs. There, § 87(2)(b) provided Sgt. Freisen with a more detailed statement. After this, PO Barnes handcuffed § 87(2)(b).

During her interview, § 87(2)(b) stated that when she went downstairs, she saw § 87(2)(b) standing with her face against the wall while PO Barnes handcuffed and pushed her **(15 Board Review)**.

§ 87(2)(b) refused to participate in the investigation **(17 Board Review)**.

At 15:56 minutes in PO Barnes's BWC attached to IA 101, § 87(2)(b) is facing away from PO Barnes **(06 Board Review)**. She steps backward, away from the outer wall of the building and toward PO Barnes, who handcuffs her without using force.

At 15:14 minutes in Sgt. Freisen's BWC attached to IA 102, the front of § 87(2)(b) body is visible as she turns around and allows PO Barnes to handcuff her **(05 Board Review)**. She is standing approximately one foot from the wall and PO Barnes is not using any force.

Arrest report #§ 87(2)(b) for § 87(2)(b) states that no force was used during the arrest **(01 Board Review)**.

Since video evidence shows that § 87(2)(b) was standing away from the building wall while PO Barnes handcuffed her without using force, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (Q) Abuse of Authority: At the 68th Precinct stationhouse, Sergeant John Freisen threatened to arrest § 87(2)(b)

Allegation (R) Abuse of Authority: At the 68th Precinct stationhouse, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)

Allegation (S) Abuse of Authority: At the 68th Precinct stationhouse, Police Officer Amet Vrzivoli threatened to arrest § 87(2)(b)

It is undisputed that after § 87(2)(b) and § 87(2)(b) were arrested, § 87(2)(b) went to the stationhouse and spoke with Sgt. Freisen and PO Vrzivoli.

During her CCRB interview, § 87(2)(b) stated that she went to the stationhouse to better understand the reason for her daughters' arrest **(15 Board Review)**. While there, she was in shock and was crying. She asked Sgt. Freisen and PO Vrzivoli why they had arrested her daughters, telling them that one of her daughters had not done anything and needed to go to the hospital, while the other daughter was only trying to help her sister. Sgt. Freisen, who was standing behind the front desk, asked § 87(2)(b) why she was screaming and then stated, "If you do not leave the precinct now, we are going to arrest you." PO Vrzivoli, who was standing in front of the desk and closer to § 87(2)(b) stated, "I don't want to handcuff you, but if you do not leave right now, we are going to handcuff you," and "If you don't leave, you will be with your daughters." § 87(2)(b) and § 87(2)(b) father, arrived at the stationhouse after this conversation.

During his statement to the CCRB, § 87(2)(b) stated that he arrived at the stationhouse after his daughters' arrest but did not see any officers interacting with § 87(2)(b) **(34 Board Review)**.

PO Vrzivoli testified that approximately an hour after the arrests, § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) arrived at the stationhouse (20 Board Review). § 87(2)(b) was screaming and yelling and trying to see her daughters. § 87(2)(b) was also “acting up.” PO Vrzivoli told § 87(2)(b) that if § 87(2)(b) did not stop acting up or leave the stationhouse, he could be arrested. He said this to inform § 87(2)(b) and not as a threat since he knew that if a supervisor saw § 87(2)(b) behavior, they would take him into custody. PO Vrzivoli did not threaten to arrest § 87(2)(b) while at the stationhouse and did not hear any other officer do so.

Sgt. Freisen stated that when § 87(2)(b) came to the stationhouse, she was screaming and yelling (22 Board Review). Sgt. Freisen did not threaten to arrest § 87(2)(b) and he did not hear any other officer do so.

The investigation did not obtain any stationhouse footage of this portion of the incident since § 87(2)(b) did not make these allegations until her interview on August 4, 2020, by which time the stationhouse footage had expired. Additionally, there was no BWC footage of this portion of the incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) and § 87(2)(b) have been parties (35-38 Board Review).
- PO Zeno has been a member of service for three years and this is the first CCRB complaint to which she has been a subject.
- PO Vrzivoli has been a member of service for four years and has been a subject in three additional complaints and nine additional allegations, of which three were substantiated. § 87(2)(b)
 - 201803798 involved substantiated allegations of a chokehold, threat of force, and discourteous language. The Board recommended Charges. The Administrative Prosecution Unit filed a plea, which is awaiting approval by the Police Commissioner.
- Sgt. Freisen has been a member of service for 10 years and has been a subject in three additional complaints and six additional allegations, none of which were substantiated. § 87(2)(b)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On September 28, 2021, the investigation submitted requests to determine if § 87(2)(b) § 87(2)(b) or § 87(2)(b) had filed a Notice of Claim. Confirmation from the Office of the New York City Comptroller will be forwarded upon receipt (39-42 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 3

Investigator:	<u> Rachel Adler </u>	<u>Investigator Rachel Adler</u>	<u> 10/4/2021 </u>
	Signature	Print Title & Name	Date

Squad Leader:	<u> Olga Golub </u>	<u> IM Olga Golub </u>	<u> 10/05/2021 </u>
	Signature	Print Title & Name	Date

Reviewer:	<u> </u>	<u> </u>	<u> </u>
	Signature	Print Title & Name	Date